

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DAVID CHARLES MAIER,

Plaintiff,

v.

JAIL HEALTH STAFF, *et al.*,

Defendants.

Case No. C18-390-JLR

ORDER DISMISSING CIVIL RIGHTS  
ACTION

The Court, having reviewed plaintiff's complaint, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, ~~any objections thereto, and the~~ *and no objections having been filed to the Report and Recommendation,* remaining record, hereby finds and ORDERS as follows:

(1) The Report and Recommendation is approved and adopted.

(2) Defendants' motion to dismiss this action under Fed. R. Civ. P. 12(b)(6) (Dkt. 13) is GRANTED based on plaintiff's failure to comply with the exhaustion requirement of 42 U.S.C. § 1997e(a).

(3) Plaintiff's complaint (Dkt. 7) is DISMISSED without prejudice. Plaintiff is granted leave to file an amended complaint curing the deficiency identified in the Report and Recommendation not later than thirty (30) days from the date on which this Order is signed. If

ORDER DISMISSING CIVIL  
RIGHTS ACTION - 1

1 no amended complaint is filed within this thirty day period, the Clerk is directed to terminate this  
2 action without further Order of the Court.

3 (4) The Clerk is directed to send copies of this Order to plaintiff, to counsel for  
4 defendants, and to the Honorable James P. Donohue.

5 DATED this 20<sup>th</sup> day of November, 2018.

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8 JAMES E. ROBART  
9 United States District Judge  
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